

In the Court of Appeals of the State of Alaska

Jaime Hernandez,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13297**

Order

Date of Order: **May 12, 2020**

Trial Court Case No. **3AN-16-07681CI, 3AN-99-02940CR**

On April 9, 2020 this Court ordered attorney Owen Shortell to show cause why, under Appellate Rule 510(c), he should not be sanctioned \$100.00 for failing to pay the \$50.00 sanction he had earlier been ordered to pay. Mr. Shortell has now paid the \$50.00 sanction, and has responded to the new order to show cause.

In his response, Mr. Shortell essentially explains that he believed that Alaska Supreme Court orders issued in response to the COVID-19 pandemic had extended various deadlines, to include extending the due dates for payment of court ordered sanctions. But Mr. Shortell identifies no particular portion of those orders to support his belief.

Moreover, the two orders Mr. Shortell relied upon — SC Order 1957 and the Supreme Court’s Administrative Order issued March 27, 2020 — did not, except for court house closures and briefing extensions, relax any civil and criminal deadlines. Instead, those orders generally authorized presiding judges to relax various court rules and deadlines. There were also other orders that extended briefing deadlines, but these orders did not affect matters such as the paying of sanctions. The Court concludes it was unreasonable for Mr. Shortell to construe those orders as extending his due date for paying his \$50.00 sanction.

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We also note that Mr. Shortell has been previously sanctioned by this Court and ordered to pay \$50.00 in *King v. State* (Case No. A-13232), for failing to timely file an appellant's opening brief.

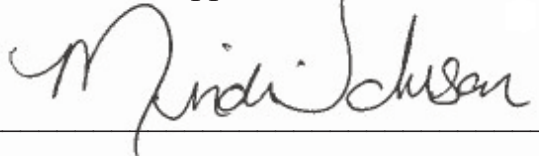
In light of this background, **IT IS ORDERED:**

1. Mr. Shortell shall be sanctioned in this appeal in the amount of **\$100.00**, but this fine is **suspended** in its entirety on condition that Mr. Shortell comply with this Court's filing deadlines for the next twelve months.

2. The Office of the Appellate Clerk shall serve a copy of this order on the Office of Public Advocacy, and on the Discipline Counsel of the Alaska Bar Association.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in dark ink, appearing to read "Mindi Johnson", is written over a horizontal line.

Mindi Johnson, Deputy Clerk

Distribution:

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